

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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Website address www.dir.ca.gov/oshsbATTACHMENT NO. 2INITIAL STATEMENT OF REASONS

CALIFORNIA CODE OF REGULATIONS

Title 8, Chapter 4, Subchapter 6, Article 7, Section 3016; Article 20, Section 3120.6;
and Article 22, Section 3122.0 of the Elevator Safety Orders.

Elevator PitsSUMMARY

The Occupational Safety and Health Standards Board (Board) was petitioned (Petition File No. 411) to conduct meetings with the plumbing industry to consider amendments to Section 3120.6. The Petitioner stated that sump pumps in the elevator pit are prohibited according to the American Society of Mechanical Engineers (ASME) A17.1 Main Committee interpretation of Rule 106.1(b)(3), which is incorporated by reference in Section 3120.6, because human intervention in the elevator pit is necessary to either monitor and/or activate the pumps and to provide routine maintenance. The Board granted the petition to the extent that the Division of Occupational Safety and Health (Division) convene a representative advisory committee to consider the Petitioner's concern.

The Division convened the advisory committee wherein the committee members agreed with the Petitioner's assertion that the use of sump pumps for elevator pit drainage does not comply with the intent of Rule 106.1(b)(3) since sump pumps require human intervention. This proposal recommends amendments that permit the installation of water removal systems for elevator pits consistent with the intent of Rule 106.1(b)(3), since the water removal system will provide drainage in the elevator pit floor.

SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTIONSection 3016. Pits for Elevators.Subsection (b)(6)

The proposal adds the requirement that accidental water accumulations in the pit shall be removed in the presence of an authorized person from an elevator company that is currently licensed by the State of California Contractors License Board.

The proposal is necessary to provide a method, supervised by persons knowledgeable in elevator operations, to remove water accumulations from the pit floor if some water does not drain

through the permanent water removal system on electric elevators installed prior to October 25, 1998.

Subsection (b)(7)

The proposal adds that all elevators may be provided with a water removal system that complies with Section 3120.6(c).

The proposal is necessary to allow the owners of electric elevators to provide the water removal system specified in Section 3120.6(c) on existing elevators.

Section 3120.6. Pits

Subsection (a)

The proposal adds an exception for Rule 106.1(b)(3).

The revision is necessary because drainage requirements for elevator pits specified in Rule 106.1(b)(3) will not apply. Drainage options for elevator pits will be in proposed Section 3120.6(c).

Subsection (b)

The proposal adds the reference to Section 3016(c).

The proposal is necessary to incorporate the reference to Section 3016(c) since it was inadvertently omitted from existing Section 3120.6 when the new Elevator Safety Orders were drafted and became effective on October 25, 1998.

Subsection (c)

The proposal adds that a water removal system such as a sump pump, suction drain, or gravity drain may be provided to remove water accumulations from the pit floor. The proposal also specifies how the water removal system and related equipment, if provided, is to be laid out within the pit enclosures, including drainage connections.

The proposal is necessary to provide options for drainage systems that the owners of electric elevators may use to address water accumulation in the elevator pit. Water accumulation in the elevator pit is not allowed pursuant to section 1206.2a of ASME A17.1-1996.

The proposal is also necessary to provide other options for drainage beside the use of sump pumps. The plumbing industry indicates that sump pumps may not function when needed because the pumps are rarely activated since accumulation of water is a rare occurrence in the pit. Pumps not activated regularly lack the water needed to lubricate the pump parts. Lack of lubrication causes the parts to adhere rendering the pump inoperable.

The proposal is also necessary to mitigate exposure to the hazards of elevator equipment in the pit for non-elevator personnel since the proposed water removal systems do not require entry to the pit area for servicing or maintenance of equipment.

The proposal is also necessary to ensure that the equipment, when provided, does not cause other hazards within the hoistway enclosure, and that the drainage discharge does not contaminate other drain systems or the atmosphere in the pit area.

Subsection (d)

The proposal adds the requirement that water accumulations be removed/pumped from the pit. When necessary to enter the pit to remove accidental water accumulation, an authorized person shall be present from an elevator company currently licensed by the State of California Contractors License Board.

The proposal is necessary to ensure that no person unfamiliar with elevator pit operations enters the pit to remove water accumulations unless an authorized person is present.

Subsection (e)

The proposal adds that all elevators may comply with Section 3120.6(c).

The proposal is necessary to allow the owners of electric elevators to provide the water removal system specified in Section 3120.6(c) on elevators already installed.

Note

The proposal adds the note that discharge from the water removal system may be subject to the local authority having jurisdiction.

The proposal is necessary to inform the elevator owners that discharge from the pit drainage may have to be disposed in accordance with environmental procedures pursuant to local requirements.

Section 3122.0. Hoistways, Hoistway Enclosures, and Related Construction.

Subsection (d)

The proposal deletes the reference to subsection (a) and instead requires owners of hydraulic elevators to comply with all of Section 3120.6, which includes requirements for elevator pits.

The proposal is necessary to allow owners of hydraulic elevators to provide a permanent water removal system like that allowed for electric elevators specified in Section 3120.6(c), including the procedures for removal of water accumulations specified in subsection (d).

DOCUMENTS RELIED UPON

1. American Society of Mechanical Engineers, Interpretation No. 20, dated June 14, 1995.
2. American Society of Mechanical Engineers, Interpretation No. 21, dated June 28, 1996.
3. Occupational Safety and Health Standards Board Decision dated May 11, 2000 in the Matter of Petition by Mr. John Deunay, JDL Systems, Inc., Petition No. 411.

These documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment.

COST ESTIMATES OF PROPOSED ACTION

Cost or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

Owners of elevators will not incur a new cost to comply with this proposal since elevator owners are already required to maintain the pit floor clear of water accumulations. This proposal merely provides methods that owners may use to prevent water accumulations. It is noted that water accumulations in the pit are accidental and infrequent occurrences. Potential recurrent water accumulations from ground water seepage is not likely because the pit is designed to prevent water infiltration, pursuant to section 1206.2a of ASME A17.1-1996. Therefore, the Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

Other Nondiscretionary Costs or Saving Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulations do not in any way require local agencies to administer the California Occupational

Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed regulations do not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.